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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT PAPER NUMBER

2121

DATE MAILED: 03/01/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/842,189

Applicant(s)

MUKAI ET AL.

Examiner

Aaron Perez-Daple

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Action is in response to Application filed 4/26/01 and Preliminary Amendment filed 7/31/01, which have been fully considered.
2. Claims 1-26 are presented for examination.
3. This Action is non-Final.

#### *Claim Objections*

4. **Claims 1-26** objected to because of the following informalities: where the grammatical structure “at least one of” or “one of” and a series of recited elements is claimed, the conjunction “and” should be replaced with --or--. Appropriate correction is required wherever this appears.

#### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-5, 9-11, 14-18, and 22-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Xydis (US 6,307,471 B1) (hereinafter Xydis).
7. As for claims 1 and 14, Xydis discloses an information processing apparatus and method comprising:

a) a locking unit for stopping one of a start and a function of said information processing apparatus [col. 1, lines 27-36, "One such method...to the computer."; col. 3, lines 22-37, "The method is characterized...new default antenna."], and

b) means for operating said locking unit responsive to at least one of an incoming signal from a communication apparatus and a signal indicating a position of said information processing apparatus [col. 3, lines 22-37, "The method is characterized...new default antenna."].

8. As for claims 4 and 17, Xydis discloses the information processing apparatus of claim 1 and method of claim 14, further comprising:

c) a transmitting and receiving unit for making radio communication with the communication apparatus [antennas 18, Fig. 2; col. 2, lines 25-42, "The method comprises...the user 16."],

d) a radio field strength detector for measuring a reception strength of a signal received in said transmitting and receiving unit [measurement devices 20 and 21, Fig. 2], and

e) an out-of-range determining and informing unit for judging the reception strength, and sending an out-of-range notice signal to the locking unit when the reception strength is out of a predetermined range, wherein the out-of-range determining and informing unit functions as means for operating the locking unit [col. 2, line 66 - col. 3, line 37, "In the first embodiment...default antenna."].

9. As for claims 9 and 22, Xydis discloses the information processing apparatus of claim 1 and method of claim 14, further comprising:

c) a transmitting and receiving unit for making radio communication with the communication apparatus [antennas 18, Fig. 2; col. 2, lines 25-42, "The method comprises...the user 16."], and

d) a password memory for storing a password according to the signal received in the transmitting and receiving unit,

wherein one of starting said information processing apparatus, and starting the operation of its function is started, when the password stored in the password memory is matched with the password received from the communication apparatus ["user code" comprises password; col. 3, line 66 - col. 4, line 11, "The processor 24...electronic device 14."].

10. As for claims 2 and 15, Xydis discloses an information terminal and method for making radio communication with an information processing apparatus comprising:

a') an input unit for accepting an input operation [processor 22 receives input from measuring device, Fig. 2], and

b') a communication unit for at least one of transmitting and receiving, wherein said communication unit sends a signal to said information processing apparatus according to the input to said input unit [antennas 18, Fig. 2; col. 2, lines 25-42, "The method comprises...the user 16."].

11. As for claims 5 and 18, Xydis discloses the information terminal of claim 2, further comprising:

c') a display unit for displaying at least one of image and text received from the information terminal [display, Fig. 2],

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d') a locking unit for stopping either start or function of the information terminal [col. 1, lines 27-36, "One such method...to the computer."; col. 3, lines 22-37, "The method is characterized...new default antenna."],

e') a radio field strength detector for measuring the reception strength of the radio signal received from the information processing apparatus [measurement devices 20 and 21, Fig. 2], and

f') an out-of-range determining and informing unit for judging the reception strength, and sending an out-of-range notice signal to the locking unit when the reception strength is out of a predetermined range, wherein said out-of-range determining and informing unit operates said locking unit, and said locking unit makes one of stopping at least one of said display unit and said input unit, and stopping the start of said information terminal [col. 2, line 66 - col. 3, line 37, "In the first embodiment...default antenna."].

12. As for claims 10 and 23, Xydis discloses the information terminal of claim 2 and method of claim 15, wherein said input unit i) receives instruction for locking of operation, unlocking of operation, or setting of password, and ii) receives input of password, and said communication unit transmits data received in the input unit to said information processing apparatus in order to control said information processing apparatus [col. 4, lines 12-41, "The processor 24...is not detected."].

13. As for claims 3 and 16, Xydis discloses an information processing system for making radio communication comprising:

(1) an information processing apparatus [computer 14, Fig. 2], and

(2) an information terminal for making radio communication with said information processing apparatus, wherein said information processing apparatus comprises [token 12, Fig. 2]:

a) a transmitting and receiving unit for making radio communication [antennas 18, Fig. 2],

b) a locking unit for stopping one of a start and a function of said information processing apparatus [col. 1, lines 27-36, "One such method...to the computer."; col. 3, lines 22-37, "The method is characterized...new default antenna."], and

c) means for operating said locking unit responsive to at least one of an incoming signal from the transmitting and receiving unit and a signal indicating the position of said information processing apparatus, said information terminal comprises:

a') an input unit for accepting an input operation [processor 25 receives input from measuring device 21, Fig. 2; col. 2, line 66 - col. 3, line 12, "In the first embodiment...electronic device 14."], and

b') a communication unit for at least one of transmitting and receiving, and the communication unit sends a signal to said information processing apparatus according to the input to the input unit [antennas 19, Fig. 2; col. 2, line 66 - col. 3, line 12, "In the first embodiment...electronic device 14."].

14. As for claims 11 and 24, Xydis discloses the information processing system of claim 3 and the method of claim 16, wherein said input unit of the information terminal

i) receives instruction for locking of operation, unlocking of operation, or setting of password [col. 4, lines 12-41, "The processor 24, 24' receives...is not detected."], and

ii) receives input of password, and said communication unit transmits data received in said input unit to said information processing apparatus in order to control said information processing apparatus [col. 3, line 66- col. 4, line 41, "The processor 24, 24' compares...is not detected."], said information processing apparatus further comprises:

d) a password memory for storing a password according to the signal received from said information terminal [user code database, col. 3, line 66 - col. 4, line 11, "The processor 24, 24' compares...electronic device 14."], and

e) an unlocking unit for making one of starting said information processing apparatus and starting the operation of its function when the password stored in the password memory is matched with a further password received from said information terminal, and the locking unit operates according to a signal received from said information terminal, and allows one of a start and a function of said information processing apparatus to be stopped [col. 2, line 66 - col. 3, line 37, "In the first embodiment...default antenna."; col. 3, line 66- col. 4, line 41, "The processor 24, 24' compares...is not detected."].

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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16. **Claims 6-8, 12, 13, 19-21, 25, 26** rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis (US 6,307,471 B1) in view of O'Mahony (US 6,457,129 B2) (hereinafter O'Mahony).
17. As for claims 6-8, 12, 13, 19-21, 25, 26, Xydis does not specifically disclose a location detector for detecting a position by using a global positioning system. O'Mahony teaches a location detector for detecting a position by using a global positioning system and an out-of-range determining unit for determining when an apparatus is out of a predetermined range [col. 2, lines 3-12, "A method and apparatus...the authorized location."; Fig. 4]. O'Mahony further teaches locking the system in response to a signal from the out-of-range determining unit [col. 5, lines 18-30, "At block 535...the unlocking device."; Fig. 5]. O'Mahony provides a different solution to the same fundamental problem solved by Xydis: controlling access to a computer system based on the location of the user.

It would have been obvious to one of ordinary skill in the art to modify Xydis by using a global positioning system for detecting a position and an out-of-range determining unit for determining when an apparatus is out of a predetermined range, because this would allow for controlling access to a computer system based on a user location, as taught by O'Mahony [col. 2, lines 3-12, "A method and apparatus...the authorized location."].

The above reasoning is the primary basis for the rejections of claims 6-8, 12, 13, 19-21, 25, 26 under 35 USC 103(a). Any additional limitations to the claims are taught by Xydis, as detailed below.

18. As for claims 6 and 19, Xydis teaches the information terminal of claim 2 and method of claim 14, further comprising:

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c') a display unit for displaying at least one image and text received from said information processing apparatus [display, Fig. 2].

Claims 6 and 19 are further rejected for the reasons given above.

19. Claims 7 and 20 are rejected for the reasons given above.

20. As for claims 8 and 21, Xydis teaches the information processing system of claim 3 and method of claim 16, wherein said information processing apparatus further comprises:

d) an input unit for accepting an input operation [processor 24 receives input from measurement device 20, Fig. 2], and

e) a display unit for displaying at least one of image and text responsive to the input operation [display, Fig. 2], and

the locking unit responsive to a notice signal, makes one of stopping at least one of the display unit and the input unit of said information processing apparatus, and stopping a start of said information processing apparatus [col. 1, lines 27-36, "One such method...to the computer."; col. 3, lines 22-37, "The method is characterized...new default antenna."].

Claims 8 and 21 are further rejected for the reasons given above.

21. Claims 12 and 25 are rejected for the reasons given above.

22. As for claims 13 and 26, Xydis further teaches the information processing apparatus of claim 12 and the method of claim 25, further comprising:

f) an input unit for accepting an input operation [processor 24 receives input from measurement device 20, Fig. 2], and

g) a display unit for displaying at least one of image and text responsive to the input operation [display, Fig. 2].

Claims 13 and 26 are further rejected for the reasons given above.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,654,890 B1, note locking of laptop computers; UKS 6,631,271 B1, note GPS position detection system with rules; US 6,583,713 B1, note container access control; US 6,539,031 B1, note teaches terminals in a wireless network; US 6,282,655 B1, note Fig. 2; US 5,992,073, note location based access control with password; US 5,870,029, note Fig. 1; US 5,821,854, note Fig. 2; US 5,751,246, note Fig. 4; US 5,684,763, note GPS based access control system; US 5,497,149, note GPS security system; US 5,276,735, note Fig. 3.
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Perez-Daple whose telephone number is 703-305-4897. The examiner can normally be reached on 9am - 6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on 703-305-0282. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

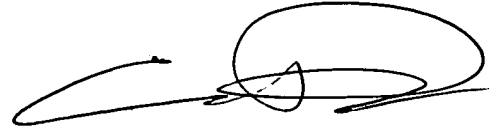
Application/Control Number: 09/842,189

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Aaron Perez-Daple



**GEORGE B. DAVIS**  
**PRIMARY EXAMINER**